

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.

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Attorneys for Defendant

HARRIS & HARRIS, LTD.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HUNTER CHURCH, individually and on
behalf of those similarly situated; LUDWIG
LAUDENCIA, individually and on behalf of
those similarly situated; JEREMY GYRON,
individually and on behalf of those similarly
situated; JESSICA BELTRAN, individually
and on behalf of those similarly situated,

Plaintiffs,

vs.

HARRIS & HARRIS, LTD., a foreign
corporation; DOES I-V, inclusive; and ROE
BUSINESS ENTITIES I-V, inclusive,

Defendant.

Case No.

NOTICE OF REMOVAL

Defendant HARRIS & HARRIS, LTD, by and through its undersigned counsel, and for
its Notice of Removal pursuant to 28 U.S.C. §1441(a) and 1446 ("Notice"), and in support
thereof, states as follows:

I. STATE COURT ACTION.

1. On or about February 14, 2024, Plaintiffs filed an action in the District Court for
Clark County, Nevada, which was captioned *Hunter Church et al. v. Harris & Harris, Ltd. et
al.*, and docketed at Case No. A-24-887131-C (the "State Court Action"). A copy of the State
Court Action Complaint ("Complaint") is attached hereto as Exhibit A.

2. The Complaint asserts injuries allegedly sustained by Plaintiffs at paragraphs 1, 33, 50-52, 65-67, 79-81 and 93-95. *Id.*

3. On February 15, 2024, Plaintiffs issued a Summons; the Summons and Complaint were not served upon Defendant as of the date of this Notice. A copy of the Summons is attached as Exhibit B.

4. Plaintiffs also filed on February 15, 2024, a Motion to Certify Class, which the Court set for a hearing on April 2, 2024. A copy of the Motion to Certify Class is attached hereto as Exhibit C, and the Notice of Hearing is attached hereto as Exhibit D.¹

5. As set forth more fully below, this action is properly removed to the United States District Court for the District of Nevada pursuant to 28 U.S.C. §§ 1441 and 1446 and the procedural requirements for timely removal are satisfied pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days after service of the Summons and Complaint. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

II. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 15 U.S.C. § 1692 *et seq.*

6. The Complaint asserts a federal cause of action against Defendant for purported violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* *See* Complaint, paragraphs 72-85, Ex. A.

7. The United States District Court for the District of Nevada has jurisdiction over Plaintiffs’ FDCPA claim due to the fact that the allegations against Defendant contained in the Complaint arise under the Constitution, laws or treaties of the United States. 28 U.S.C. § 1331.

8. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over the remaining claims and allegations. These other claims and allegations are so related to the FDCPA

¹ Pursuant to Local Rule 81-1, Plaintiffs’ Motion to Certify Class is automatically denied without prejudice.

1 claims that they form part of the same case and controversy under Article III of the U.S.
2 Constitution.

3 9. The United States District Court for the District of Nevada embraces the locality
4 in which the State Court Action is now pending, making this Court the proper forum pursuant to
5 28 U.S.C. § 1441(a).

6 10. Further, 28 U.S.C. §1441(b) provides as follows:

7
8 (b) Any civil action of which the district courts have original jurisdiction founded
9 on a claim or right arising under the Constitution, treaties or laws of the United
10 States shall be removable without regard to the citizenship or residence of the
11 parties. Any other such action shall be removable only if none of the parties in
interest properly joined and served as defendants is a citizen of the state in which
such action is brought.

12 **III. ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN**
13 **SATIFIED.**

14 11. This Notice was filed with the Clerk of the United States District Court within
15 thirty (30) days after service of the Summons and Complaint upon Defendant. 28 U.S.C. §
16 1446(b).

17 12. No previous application has been made for the relief requested herein.

18 13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served
19 on Plaintiffs and a copy will promptly be filed as an attachment to a Notice in the State Court
20 Action.

21 14. If any question arises regarding propriety of this removal action, Defendant
22 respectfully requests the opportunity to present briefing and/or oral arguments in support of its
23 position that the case is removable.

24 ///

25 ///

26 ///

27 ///

For all the foregoing reasons, the State Court Action may be removed to the United States District Court for the District of Nevada, the federal district court for the district and division embracing Clark County. 28 U.S.C. § 1441(a). Defendant HARRIS & HARRIS, LTD. respectfully requests that this case proceed in this Court as an action properly removed to it.

**QUINTAIROS, PRIETO, WOOD
& BOYER, P.A.**

By: /s/ Michael Ayers
Michael Ayers, Esq.
Alia Najjar, Esq.
Jose Rivera, Esq.
3740 Lakeside Dr., Ste. 202
Reno, Nevada 89509
Attorneys for Defendant
HARRIS & HARRIS, LTD.

CERTIFICATE OF SERVICE

I certify that I am an employee of QUINTAIROS, PRIETO, WOOD & BOYER, P.A., and that on this date, pursuant to FRCP 5(b), I served the **NOTICE OF REMOVAL** on the parties set forth below via the Court's CM/ECF filing/service system:

Scott M. Holper, Esq.
LAW OFFICES OF SCOTT M. HOLPER
3175 S. Nellis Blvd., Ste. A
Las Vegas, NV 89121
Attorneys for Plaintiffs

Dated: March 15, 2024.

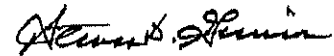
/s/ Christine L. Miller
An Employee of QUINTAIROS,
PRIETO, WOOD & BOYER, P.A.

INDEX OF EXHIBITS

Exhibit No.	Exhibit Description	No. of Pages
A	Class Action Complaint	21
B	Summons	2
C	Motion to Certify Class	8
D	Notice of Hearing	1

EXHIBIT A

EXHIBIT A

Electronically Filed
02/14/2024
CLERK OF THE COURT

1 SCOTT M. HOLPER, ESQ.
 2 Nevada Bar No. 9587
 3 LAW OFFICES OF SCOTT M. HOLPER
 4 3175 S. Nellis Blvd., Ste. A
 5 Las Vegas, Nevada 89121
 6 Tel: (702) 366-0911
 7 Fax: (702) 333-1196
 8 Scottholperlaw@gmail.com
 9 Attorney for Plaintiff

DISTRICT COURT**CLARK COUNTY, NEVADA**

10 HUNTER CHURCH, individually and on)
 11 behalf of those similarly situated; ISLAS)
 12 AGUILAR, individually and on behalf of)
 13 those similarly situated; LUDWIG)
 14 LAUDENCIA, individually and on behalf of)
 15 those similarly situated; JEREMY GYRON,)
 16 individually and on behalf of those similarly)
 17 situated; JESSICA BELTRAN, individually)
 18 and on behalf of those similarly situated,)

Plaintiffs,

vs.

19 HARRIS & HARRIS, LTD., a Foreign)
 20 Corporation; ; DOES I-V, inclusive; and ROE)
 21 BUSINESS ENTITIES I-V, inclusive,)

Defendants.

CASE NO.:

A-24-887131-C
Dept 16

DEPT. NO.:

CLASS ACTION COMPLAINT

23 Plaintiffs, individually and on behalf of all those similarly situated, allege the following
 24 upon information and belief, except as to those allegations concerning Plaintiffs, which are
 25 alleged upon personal knowledge.
 26

...

...

I.

INTRODUCTION

1. Plaintiffs bring this action as a class action on behalf of themselves and on behalf of all persons who suffered emotional distress as a result of receiving collection letters and robo calls from Defendant HARRIS & HARRIS, LTD.

2. Defendant HARRIS & HARRIS, LTD. is a third (3rd) party collection agency pursuant to NRS 649.020 which defines a collection agency as: "all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another."

3. The Fair Debt Collection Practices Act prohibits false or misleading representations including the implication that that the nonpayment of any debt will result in the arrest or imprisonment of any person.

4. The Nevada Deceptive Trade Practices Act which is codified as NRS Chapter 598 prohibits anyone from knowingly making a false statement.

5. The damage suffered by Plaintiffs was wrought by Defendant HARRIS & HARRIS, LTD., who violated the Fair Debt Collection Practices Act and engaged in a Deceptive Trade Practice by:

- a. Knowingly making a false representation as to affiliation, connection, association with or certification by the Las Vegas Justice Court;
- b. Knowingly making a false representation in writing which states: "a warrant has been issued against you and unless you resolve this balance in full, you are subject to arrest if you are stopped by law enforcement for any reason": and
- c. Within the course of his/her business or occupation, he/she disseminates an unsolicited prerecorded message to solicit a person to pay by telephone and he/she does not have a preexisting business relationship with the person being called.

1 d. Within the course of his/her business or occupation, he/she disseminates
2 an unsolicited pre-recorded message which knowingly makes a false
3 representation stating: "a warrant has been issued against you and
4 unless you resolve this balance in full, you are subject to arrest if you are
5 stopped by law enforcement for any reason."

6 6. Upon information and belief, Defendant HARRIS & HARRIS, LTD., generated
7 letters bearing the name of the Las Vegas Justice Court which advised the recipient(s)
8 of the following: "a warrant has been issued against you and unless you resolve this
9 balance in full, you are subject to arrest if you are stopped by law enforcement for any
10 reason."

11 7. Upon information and belief, the letters generated by Defendant HARRIS &
12 HARRIS, LTD., and bearing the name of the Las Vegas Justice Court, indicates a
13 contact/phone number of (844) 457-9630 which is the phone number for Defendant
14 HARRIS & HARRIS, LTD.

15 8. Upon information and belief, the phone number for the Las Vegas Justice Court
16 is (702) 671-3199.

17 9. As a direct result of Defendants' Deceptive Trade Practice, twelve thousand
18 three-hundred and seventy-four (12,374) collection letters were sent by Defendant
19 HARRIS & HARRIS, LTD. which stated: "a warrant has been issued against you and
20 unless you resolve this balance in full, you are subject to arrest if you are stopped by
21 law enforcement for any reason."

22 10. As a direct result of Defendants' Deceptive Trade Practice, five-hundred and
23 seventy-one (571) robo calls were made by Defendant HARRIS & HARRIS, LTD.
24 which stated: "a warrant has been issued against you and unless you resolve this
25 balance in full, you are subject to arrest if you are stopped by law enforcement for any
26 reason."

27 11. Upon information and belief, Defendant HARRIS & HARRIS, LTD., had
28

1 knowledge that the Las Vegas Justice Court had not issued any bench warrants to any
2 individual who received correspondence and/or robo calls from Defendant HARRIS &
3 HARRIS, LTD., which advised the recipient of the following: "a warrant has been
4 issued against you and unless you resolve this balance in full, you are subject to arrest
5 if you are stopped by law enforcement for any reason".

6 **II.**

7 **PARTIES**

8 12. Plaintiffs are all customers of the Las Vegas Justice Court who received letters
9 from Defendant HARRIS & HARRIS, LTD. which stated: "a warrant has been issued
10 against you and unless you resolve this balance in full, you are subject to arrest if you
11 are stopped by law enforcement for any reason."

12 13. That Plaintiff HUNTER CHURCH is, and at all times relevant hereto, was a
13 resident of the State of Nevada.

14 14. That Plaintiff HUNTER CHURCH is, and at all times relevant hereto, was a
15 resident of the State of Nevada.

16 15. That Plaintiff ISLAS AGUILAR is, and at all times relevant hereto, was a
17 resident of the State of Nevada.

18 16. That Plaintiff LUDWIG LAUDENCIA is, and at all times relevant hereto, was a
19 resident of the State of Nevada.

20 17. That Plaintiff JEREMY GYRON is, and at all times relevant hereto, was a
21 resident of the State of Nevada.

22 18. That Plaintiff JESSICA BELTRAN is, and at all times relevant hereto, was a
23 resident of the State of Nevada.

24 19. Plaintiffs are informed and believe and thereupon allege that Defendant
25 HARRIS & HARRIS, LTD., is a foreign limited partnership, with its principal place of
26 business located in Chicago, Illinois.

27 20. That the true names and capacities, whether individual, corporate, associate,
28

1 or otherwise, of the Defendants herein designated at DOES I-V and ROE BUSINESS
2 ENTITIES I-V are unknown to Plaintiffs at this time who therefore sue said
3 Defendants by fictitious names. Plaintiffs allege that each named Defendant herein
4 designated as DOE and/or ROE is negligently, willfully, contractually, or otherwise
5 legally responsible for the events and happenings herein referred to and proximately
6 caused damages to Plaintiffs as herein alleged. Plaintiffs will seek leave of Court to
7 amend this Complaint to insert the true names and capacities of such Defendants
8 when same have been asserted and will further seek leave to join said Defendants
9 when same have been asserted and will further seek leave to join said Defendants in
10 these proceedings.

11 21. That Plaintiffs are informed and believe and thereon allege that at all times
12 mentioned herein, Defendants and each of them, including those names as DOES and
13 ROES were agents, servants, employees, partners, distributors or joint venturers of
14 their Co-Defendants and that in doing the acts herein alleged, were acting within the
15 course and scope of said agency, employment, partnership, or joint venture. Each and
16 every Defendant aforesaid was acting as a principal and was negligent or grossly
17 negligent in the selection, hiring and training of each and every other Defendant or
18 ratified the conduct of every other Defendant as an agent, servant, employee or joint
19 venturer.

20 22. That Plaintiffs are informed and believe, and based upon such information
21 and belief, allege that each of the Defendants herein designated as DOES and/or ROES
22 are in some manner responsible for the occurrences and damages sustained as alleged
23 herein.

24 III.

25 JURISDICTION AND VENUE

26 23. The exercise of the Jurisdiction by the Court over each and every Defendant in
27 this action is appropriate because each and every Defendant has done, and continues
28 to do, business in the State of Nevada, and committed a tort in the State of Nevada.

1 unless you resolve this balance in full, you are subject to arrest if you are stopped by
2 law enforcement for any reason".

3 31. Upon information and belief, Defendant HARRIS & HARRIS, LTD., was
4 contacted by the Las Vegas Justice Court to cease sending letters which advised the
5 recipient of the following: "a warrant has been issued against you and unless you
6 resolve this balance in full, you are subject to arrest if you are stopped by law
7 enforcement for any reason."

8 32. Upon information and belief, after Defendant HARRIS & HARRIS, LTD., was
9 contacted by the Las Vegas Justice Court to cease sending letters which advised the
10 recipient that "a warrant has been issued against you and unless you resolve this
11 balance in full, you are subject to arrest if you are stopped by law enforcement for any
12 reason," Defendant HARRIS & HARRIS, LTD., then began using a robo call and/or call
13 from an automated source that delivered a pre-recorded message to customers of the
14 Las Vegas Justice Court which stated "a warrant has been issued against you and
15 unless you resolve this balance in full, you are subject to arrest if you are stopped by
16 law enforcement for any reason."

17 33. That as a result of Defendant HARRIS & HARRIS, LTD.'s. deceptive trade
18 Practices and violation of the Fair Debt Collection Act, Plaintiffs, including those
19 similarly situated suffered, and continue to suffer emotional trauma and distress.

20 34. That at all times mentioned herein, Defendants, and each of them, acted with
21 fraud, oppression, and/or malice toward Plaintiffs, exhibited an intention and
22 willingness to injure Plaintiffs and/or a conscious disregard for the rights of the
23 Plaintiffs, and each Defendant, should be punished and made an example of by
24 imposition of punitive or exemplary damages in an amount in excess of \$15,000.00.

25 35. As a direct and proximate result of Defendants' actions, the Plaintiffs and the
26 putative Class Members seek, as a remedy all available relief, and equitable relief in
27 the form of a court supervised program for credit monitoring for all Class Members at
28 the expense of the Defendant.

36. The equitable remedy of credit monitoring is appropriate equitable relief for the Defendants' conduct since the prospective credit monitoring would have been completely unnecessary but for the Defendants' negligent, intentional and reckless conduct described herein.

37. That Plaintiffs have been required to retain the service of the LAW OFFICES OF SCOTT M. HOLPER to prosecute this action and are entitled to attorney's fees and costs as provided by law.

V.

CLASS ACTION ALLEGATIONS

38. Class Definition: Plaintiffs bring this class action on behalf of themselves and the class defined as follows: All persons who received collection letters and/or robo calls advising the recipient that a warrant has been issued against them and suffered emotional distress from receiving the warrant collection letters and/or robo calls. Excluded from the Class are members of the immediate families of the Defendants, and their legal representatives, parents, affiliates, heirs, successors or assigns an any entity in which Defendants have or had a controlling interest, and any other person who engaged in the wrongful conduct alleged herein (the "Excluded Person's").

39. Numerosity: Upon information and belief, Plaintiffs allege that the total number of Class members is dispersed in as well as outside the United States. Consequently, joinder of the individual Class members would be impracticable. While the exact number of Class Members exceeds twelve thousand nine-hundred and forty-five (12,945), the exact number is unknown to Plaintiffs at this time, and can only be ascertained through appropriate discovery. Plaintiffs believe that there are twelve thousand nine-hundred and forty-five (12,945) members in the proposed Class such that the disposition of the individual claims of the respective Class Members through this Class action will benefit both the parties and this Court and will facilitate judicial economy.

1 40. Ascertainability: The Class is ascertainable because, on information and
2 belief, each Class Member who received arrest warrant collection letters and arrest
3 warrant robo calls from Defendants, are kept and stored in a detailed electronic
4 database and records.

5 41. Typicality: Plaintiffs' claims are typical of the claims of the members of the
6 Class. The claims of Plaintiffs' and the members of the Class are based on the same
7 legal theories and arise from the same conduct. As such, the claims of Plaintiffs and
8 the Class rise and fall together and are typical of one another.

9 42. Common Questions of Fact and Law Predominate: Judicial determination of
10 the common legal and factual issues essential to this case would be far more efficient
11 and economical as a class action than in piecemeal individual determinations. There is
12 no plain, speedy or adequate remedy other than by maintenance of this lawsuit as a
13 class action due to the amount of individuals who received warrant letters and
14 warrant robo calls, making it economically infeasible for Class Members to pursue
15 remedies individually. The prosecution of separate actions by individual Members of
16 the Class, even if theoretically possible, would create a risk of inconsistent or varying
17 adjudications with respect to the individual Class Members against Defendants and
18 would establish incompatible standards of conduct for the Defendants. There are
19 numerous questions of law or fact common to all Class Members including, but not
20 limited to:

- 21 a. Whether Defendants engaged in a deceptive trade practice;
- 22 b. Whether Defendants acted negligently when they drafted and
23 disseminated arrest warrant collection letters;
- 24 c. Whether Defendants acted negligently, or with deliberate indifference,
25 when they drafted and disseminated arrest warrant collection letters;
- 26 d. Whether Defendants acted negligently when they disseminated arrest
27 warrant robo calls;
- 28

1 e. Whether Defendants acted negligently, or with deliberate indifference,
2 when they disseminated arrest warrant robo calls;

3 f. Whether Defendants acted in an intentional, willful or wanton manner
4 justifying an award of punitive damages.

5 These questions are susceptible to a common answer. These questions and
6 other like them predominate over individual issues. The same evidence needed to
7 prove Plaintiffs' individual claims will be used to prove the claims of all Class
8 Members.

9 43. Adequacy of Representation: Plaintiffs are adequate representatives of the
10 Class because their interests do not conflict with the interests of the Members of the
11 Class. Plaintiffs will fairly, adequately, and vigorously represent and protect the
12 interests of the Members of the Class and have no interests antagonistic to the
13 Members of the Class. Plaintiffs have retained counsel who is competent and
14 experienced in class action litigation. Plaintiffs' attorney has the resources, expertise
15 and experience to prosecute this action, and do not have knowledge of any conflicts
16 among the members of Plaintiffs' Class, or any conflicts between the Class and
17 Plaintiffs' attorney. Plaintiffs have no interest adverse to the interests of other
18 Members of the Class and will fairly and adequately protect the interests of the Class.
19 Plaintiffs' have retained counsel experienced and competent in the prosecution of class
20 actions and complex litigation.

21 44. Superiority: The Class action is superior to other available methods for the
22 fair and efficient adjudication of this controversy because: (a) the prosecution of a
23 multitude of separate actions would be inefficient and wasteful of judicial resources;
24 (b) the Members of the Class may be scattered throughout the United States and are
25 not likely to be able to vindicate and enforce their rights unless this action is
26 maintained as a class action; (c) the issues raised can be more fairly and efficiently
27 resolved in the context of a single action rather than piece-meal litigation in the context
28 of separate actions; (d) the resolution of litigation in a single forum will avoid the

1 danger and resultant confusion of possible inconsistent determinations; (e) the
 2 prosecution of separate actions would create the risk of inconsistent or varying
 3 adjudications with respect to individuals pursuing claims against Defendant, which
 4 would establish incompatible standards of conducts for Defendants; (f) Defendants
 5 have acted and will act on grounds applicable to all Class Members; (g) Individual
 6 Class Members credit monitoring claims are large and the expense and burden of
 7 individual litigation makes it impossible for Class Members individually to redress the
 8 wrongs done to them; and (h) questions of law and/or fact common to Members of the
 9 Class, especially on the issue of liability, predominate over any question, such as that
 10 of individuals damages that will affect individual Class Members.

11 VI.

12 CLAIMS FOR RELIEF

13 FIRST CLAIM FOR RELIEF

14 Negligence

15 Against All Defendants

16 45. Plaintiffs hereby incorporate by reference all of the allegations set forth above
 17 as though fully set forth hereafter.

18 46. Defendants owed Plaintiffs a duty of care to not engage in a deceptive trade
 19 practice as a collection company and properly notify Plaintiffs that Defendants were
 20 not the Las Vegas Justice.

21 47. Defendants breached their duty of care by:

- 22 a. Falsely representing in writing that Defendants were the Las Vegas
 23 Justice Court.
- 24 b. Falsely representing by the use of a robo call that Defendants were the
 25 Las Vegas Justice Court.
- 26 c. Falsely representing in writing that an arrest warrant had been issued
 27 against Plaintiffs by the Las Vegas Justice Court.

1 d. Falsely representing by the use of a robo call that an arrest warrant had
2 been issued against Plaintiffs by the Las Vegas Justice Court.

3 48. Defendants owed Plaintiffs a duty of care to not engage in a deceptive trade
4 practice as a collection company and properly inform Plaintiffs that there was not a
5 warrant issued for their arrest by the Las Vegas Justice Court.

6 49. Defendants breached their duty of care by:

7 a. Falsely representing in writing that an arrest warrant had been issued
8 against Plaintiffs by the Las Vegas Justice Court.

9 b. Falsely representing by the use of a robo call that an arrest warrant had
10 been issued against Plaintiffs by the Las Vegas Justice Court.

11 50. As a direct and proximate result of the acts and/or omissions of the
12 Defendants, the Plaintiffs have suffered emotional distress.

13 51. As a direct and proximate result of the acts and/or omissions of the
14 Defendants, the Plaintiffs have sustained emotional damages in an amount to be
15 determined by this Court.

16 52. As a direct and proximate result of the acts and/or omissions of the
17 Defendants, the Plaintiffs have sustained damage to their credit score.

18 53. As a direct and proximate result of the Defendants' negligence per se, the
19 Plaintiffs and the putative Class Members seek, as a remedy all available
20 relief, and equitable relief in the form of the establishment of a court supervised credit
21 monitoring program for credit monitoring for all Class Members at the expense of
22 Defendants.

23 54. The equitable remedy of credit monitoring is appropriate equitable relief for
24 the Defendants' conduct since the prospective credit monitoring would have been
25 completely unnecessary but for the defendants' negligent, deceptive and reckless
26 conduct described herein.

27 55. As a direct and proximate result of all the foregoing and as a result of the acts
28

1 and/or omissions of the Defendants, the Plaintiffs have sustained damage in an
2 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

3 56. It has been necessary for Plaintiffs to retain the services of LAW OFFICE OF
4 SCOTT M. HOLPER to represent them and to bring this action, and Plaintiffs are
5 entitled to recover attorney's fees and costs incurred herein.

6
7 **SECOND CLAIM FOR RELIEF**

8 **Negligent Infliction of Emotional Distress**
9 **Against All Defendants**

10 57. Plaintiffs hereby incorporate by reference all of the allegations set forth above
11 as though fully set forth hereafter.

12 58. Defendants owed Plaintiffs a duty of care to not engage in a deceptive trade
13 practice as a collection company and properly notify Plaintiffs that Defendants were
14 not the Las Vegas Justice.

15 59. Defendants breached their duty of care by:

- 16 a. Falsely representing in writing that Defendants were the Las Vegas
17 Justice Court.
18 b. Falsely representing by the use of a robo call that Defendants were the
19 Las Vegas Justice Court.
20 c. Falsely representing in writing that a warrant had been issued against
21 Plaintiffs by the Las Vegas Justice Court.
22 d. Falsely representing by the use of a robo call that an arrest warrant had
23 been issued against Plaintiffs by the Las Vegas Justice Court.

24 60. Defendants owed Plaintiffs a duty of care to not engage in a deceptive trade
25 practice as a collection company and properly inform Plaintiffs that there was not an
26 arrest warrant issued for their arrest by the Las Vegas Justice Court.

27 61. Defendants breached their duty of care by:
28

1 a. Falsely representing in writing that an arrest warrant had been issued
2 against Plaintiffs by the Las Vegas Justice Court.

3 b. Falsely representing by the use of a robo call that an arrest warrant had
4 been issued against Plaintiffs by the Las Vegas Justice Court.

5 62. That each Plaintiff and all of those similarly situated received deceptive letters
6 and/or deceptive robo calls from Defendants which informed each recipient that an
7 arrest warrant was issued by the Las Vegas Justice Court.

8 63. That the acts and/or omissions of the Defendants as described herein,
9 constitute negligent infliction of emotional distress and the Plaintiffs and those
10 similarly situated have suffered emotional distress as a direct and proximate result of
11 the actions described hereinabove.

12 64. That it was reasonably foreseeable to the Defendants under the facts and
13 circumstances of this case, that Defendants deceptive trade practice of informing
14 Plaintiffs that an arrest warrant was issued against them by the Las Vegas Justice
15 Court would cause Plaintiffs and those similarly situated to suffer emotional distress.

16 65. That as a result of the negligent infliction of emotional distress identified
17 hereinabove, Plaintiffs and those similarly situated have been directly and proximately
18 damaged.

19 66. As a direct and proximate result of the acts and/or omissions of the
20 Defendants, the Plaintiffs have sustained emotional damages in an amount to be
21 determined by this Court.

22 67. As a direct and proximate result of the acts and/or omissions of the
23 Defendants, the Plaintiffs have sustained damage to their credit score.

24 68. As a direct and proximate result of the Defendants' negligence per se, the
25 Plaintiffs and the putative Class Members seek, as a remedy all available
26 relief, and equitable relief in the form of the establishment of a court supervised credit
27 monitoring program for credit monitoring for all Class Members at the expense of
28 Defendants.

1 69. The equitable remedy of credit monitoring is appropriate equitable relief for
2 the Defendants' conduct since the prospective credit monitoring would have been
3 completely unnecessary but for the defendants' negligent, deceptive and reckless
4 conduct described herein.

5 70. That the aforementioned acts were conducted in a wanton, willful and
6 deceptive, manner, with conscious disregard for Plaintiffs' rights and the rights of
7 those similarly situated. The acts of Defendants and each of them should be assessed
8 punitive or exemplary damages.

9 71. That Plaintiffs and those similarly situated have been forced to retain the
10 services of an attorney and to represent them in this action, and as such are entitled to
11 reasonable attorney's fee and litigation costs.

12
13 **THIRD CLAIM FOR RELIEF**

14 **VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

15 Against All Defendants

16 72. Plaintiffs hereby incorporate by reference all of the allegations set forth above
17 as though fully set forth hereafter.

18 73. Pursuant to NRS 649.020, Defendant HARRIS & HARRIS, LTD. is considered
19 a third-party collection agency.

20 74. As a third-party collection agency, Defendant HARRIS & HARRIS, LTD. may
21 not use any false, deceptive, or misleading representation or means in connection with
22 the collection of any debt.

23 75. Defendant HARRIS & HARRIS, LTD. mailed collection letters to Plaintiffs
24 advising each Plaintiff that "a warrant has been issued against you and unless you
25 resolve this balance in full, you are subject to arrest if you are stopped by law
26 enforcement for any reason."

27 76. Defendant HARRIS & HARRIS, LTD. used a robo call to contact Plaintiffs in
28

1 which the recorded message indicated that "a warrant has been issued against you
2 and unless you resolve this balance in full, you are subject to arrest if you are stopped
3 by law enforcement for any reason."

4 77. The Las Vegas Justice Court never issued any arrest warrant to any Plaintiff
5 who received Defendant HARRIS & HARRIS, LTD's. collection letter and/or robo call.
6 represented and/or implicated in writing by Defendant HARRIS & HARRIS, LTD. to
7 the Plaintiffs.

8 78. The nonpayment of debt to HARRIS & HARRIS, LTD. as referenced in
9 Defendants' collection letters and/or robo calls would never result in the arrest or
10 imprisonment of Plaintiffs.

11 79. That the acts and/or omissions of the Defendants as described herein,
12 constitute violation of the Fair Debt Collection Practices Act and the Plaintiffs and
13 those similarly situated have suffered emotional distress as a direct and proximate
14 result of the actions described hereinabove.

15 80. As a direct and proximate result of the acts and/or omissions of the
16 Defendants, the Plaintiffs have sustained emotional damages in an amount to be
17 determined by this Court.

18 81. As a direct and proximate result of the acts and/or omissions of the
19 Defendants, the Plaintiffs have sustained damage to their credit score.

20 82. As a direct and proximate result of the Defendants' conduct, the
21 Plaintiffs and the putative Class Members seek, as a remedy all available
22 relief, and equitable relief in the form of the establishment of a court supervised credit
23 monitoring program for credit monitoring for all Class Members at the expense of
24 Defendants.

25 83. The equitable remedy of credit monitoring is appropriate equitable relief for
26 the Defendants' conduct since the prospective credit monitoring would have been
27 completely unnecessary but for the defendants' violation of the Fair Debt Collection
28 Practices Act.

1 84. That the aforementioned acts were conducted in a wanton, willful and
2 deceptive manner in violation of the Fair Debt Collection Practices Act and done with
3 conscious disregard for Plaintiffs' rights and the rights of those similarly situated. The
4 acts of Defendants and each of them should be assessed punitive or exemplary
5 damages.

6 85. That Plaintiffs and those similarly situated have been forced to retain the
7 services of an attorney and to represent them in this action, and as such are entitled to
8 reasonable attorney's fee and litigation costs.

9
10 **FOURTH CLAIM FOR RELIEF**
11 **DECEPTIVE TRADE PRACTICE**
12 **Against All Defendants**

13 86. Plaintiffs hereby incorporate by reference all of the allegations set forth above
14 as though fully set forth hereafter.

15 87. Pursuant to NRS 649.020, Defendant HARRIS & HARRIS, LTD. is considered
16 a third-party collection agency.

17 88. As a third-party collection agency, Defendant HARRIS & HARRIS, LTD. may
18 not engage in a deceptive trade practice by using any false, deceptive, or misleading
19 representation or means in connection with the collection of any debt.

20 89. Defendant HARRIS & HARRIS, LTD. mailed collection letters to Plaintiffs
21 advising each Plaintiff that "a warrant has been issued against you and unless you
22 resolve this balance in full, you are subject to arrest if you are stopped by law
23 enforcement for any reason."

24 90. Defendant HARRIS & HARRIS, LTD. used a robo call to contact Plaintiffs in
25 which the recorded message indicated that "a warrant has been issued against you
26 and unless you resolve this balance in full, you are subject to arrest if you are stopped
27 by law enforcement for any reason."

28 91. The Las Vegas Justice Court never issued any arrest warrant to any Plaintiff

1 who received Defendant HARRIS & HARRIS, LTD's. collection letter and/or robo call.
2 represented and/or implicated in writing by Defendant HARRIS & HARRIS, LTD. to
3 the Plaintiffs.

4 92. The nonpayment of debt to HARRIS & HARRIS, LTD. as referenced in
5 Defendants' collection letters and/or robo calls would never result in the arrest or
6 imprisonment of Plaintiffs.

7 93. That the acts and/or omissions of the Defendants as described herein,
8 constitute a deceptive trade practice and the Plaintiffs and those similarly situated
9 have suffered emotional distress as a direct and proximate result of the actions
10 described hereinabove.

11 94. As a direct and proximate result of the acts and/or omissions of the
12 Defendants, the Plaintiffs have sustained emotional damages in an amount to be
13 determined by this Court.

14 95. As a direct and proximate result of the acts and/or omissions of the
15 Defendants, the Plaintiffs have sustained damage to their credit score.

16 96. As a direct and proximate result of the Defendants' conduct, the
17 Plaintiffs and the putative Class Members seek, as a remedy all available
18 relief, and equitable relief in the form of the establishment of a court supervised credit
19 monitoring program for credit monitoring for all Class Members at the expense of
20 Defendants.

21 97. The equitable remedy of credit monitoring is appropriate equitable relief for
22 the Defendants' conduct since the prospective credit monitoring would have been
23 completely unnecessary but for the defendants' violation of the Fair Debt Collection
24 Practices Act.

25 98. That the aforementioned acts were conducted in a wanton, willful and
26 deceptive manner which constitutes a deceptive trade practice and done with
27 conscious disregard for Plaintiffs' rights and the rights of those similarly situated. The
28

1 acts of Defendants and each of them should be assessed punitive or exemplary
2 damages.

3 99. That Plaintiffs and those similarly situated have been forced to retain the
4 services of an attorney and to represent them in this action, and as such are entitled to
5 reasonable attorney's fee and litigation costs.


6
7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiffs and those similarly situated pray for relief and damages
9 as follows:

- 10 A. That the Court determine this action is a proper class action and appoint Plaintiffs as
11 representatives of the Class under Rule 23 of the Nevada Rules of Civil Procedure;
12 B. For declaratory and equitable relief in the form of establishment of a court supervised
13 credit monitoring program for all Class Members at the Defendants' expense, in
14 excess of \$15,000.00;
15 C. That Plaintiffs and the Plaintiffs Class be awarded reasonable attorney's fees and be
16 awarded their costs of court;
17 D. That Plaintiffs and the Plaintiffs' Class be awarded punitive damages;
18 E. All such other and further relief as this Court deems just and proper under
19 the circumstances, including, without limitation, post-judgment attorney's
20 fees and costs.

21 DATED this 14 day of February 2024.

22
23 LAW OFFICES OF SCOTT M. HOLPER

24
25 By 
26 SCOTT M. HOLPER, ESQ.
27 Nevada Bar No. 9587
28 3175 S. Nellis Blvd., Ste. A
Las Vegas, Nevada 89121
Attorney for Plaintiffs

VERIFICATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)


HUNTER CHURCH, having been first duly sworn, deposes and states that he has read the foregoing Complaint and knows the content thereof, and that the same are true to the best of his knowledge, except for those matters therein stated upon information and belief, and as to those he believes them to be true.

DATED this 8 day of February 2024.

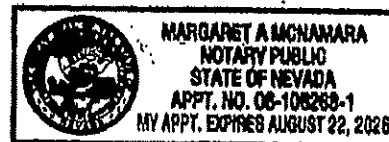


HUNTER CHURCH

SUBSCRIBED AND SWORN to
before me this 9 day of FEBRUARY, 2024.



NOTARY PUBLIC in and for said
County and State. NEVADA
CLARK

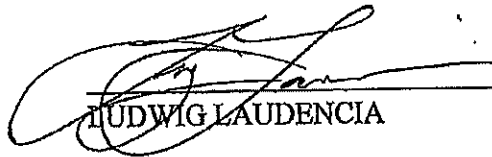


VERIFICATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

LUDWIG LAUDENCIA, having been first duly sworn, deposes and states that he has read the foregoing Complaint and knows the content thereof, and that the same are true to the best of his knowledge, except for those matters therein stated upon information and belief, and as to those he believes them to be true.

DATED this 8 day of February 2024.


LUDWIG LAUDENCIA

SUBSCRIBED AND SWORN to
before me this 8 day of FEBRUARY, 2024.



Margaret A. McNamara
NOTARY PUBLIC in and for said
County and State.

EXHIBIT B

EXHIBIT B

SUMM

SCOTT M. HOLPER, ESQ.

Nevada Bar No. 9587

LAW OFFICES OF SCOTT M. HOLPER

3175 S. Nellis Blvd., Ste. A

Las Vegas, Nevada 89121

Tel: (702) 366-0911

Fax: (702) 333-1196

Scottholperlaw@gmail.com

Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HUNTER CHURCH, individually and on)
behalf of those similarly situated; ISLAS)
AGUILAR, individually and on behalf of)
those similarly situated; LUDWIG)
LAUDENCIA, individually and on behalf of)
those similarly situated; JEREMY GYRON,)
individually and on behalf of those similarly)
situated; JESSICA BELTRAN, individually)
and on behalf of those similarly situated,)

Plaintiffs,

vs.

HARRIS & HARRIS, LTD., a Foreign)
Corporation; ; DOES I-V, inclusive; and ROE)
BUSINESS ENTITIES I-V, inclusive,)

Defendants.

CASE NO.: A-24-887131-C

DEPT. NO.: 16

SUMMONS

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR
BEING HEARD UNLESS YOU FILE A RESPONSE WITH THE COURT WITHIN 21 DAYS. READ THE
INFORMATION BELOW CAREFULLY.**

To the Defendant named above: **HARRIS & HARRIS, LTD.**

1 A civil class action complaint has been filed by the Plaintiffs against you. Plaintiffs are
2 seeking to recover the relief requested in the complaint, which could include a money judgment
3 against you or some other form of relief.

4 If you intend to defend this lawsuit, within 21 calendar days after this Summons is served
5 on you (not counting the day of service), you must:

6 1. File with the Clerk of the Court, whose address is shown below, a formal written
7 response (called an "answer") to Plaintiff's complaint.

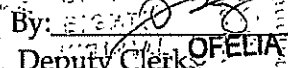
8 2. Pay the required filing fee to the court, or file an Application to Proceed *In Forma*
9 *Pauperis* and request a waiver of the filing fee.

10 3. Serve (by mail or hand delivery) a copy of your response upon the Plaintiff whose
11 name and address is shown below.

12 If you fail to respond, the Plaintiff can request your default. The court can then
13 enter judgment against you for the relief demanded by the Plaintiff in the complaint,
14 which could result in money or property being taken from you or some other relief
15 requested in Plaintiff's complaint.

16 If you intend to seek an attorney's advice, do it quickly so that your response can
17 be filed on time.

18 STEVEN D. GRIERSON, CLERK OF COURT

19
20 By:  OFELIA DAVID
21 Deputy Clerk
22 Regional Justice Center
23 200 Lewis Avenue
24 Las Vegas, Nevada 89155

FEB 15 2024
Date:

25 Issued at the request of:

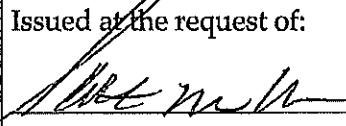
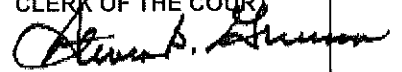
26 
27 SCOTT M. HOLPER, ESQ.
28 Nevada Bar No. 9587
3175 S. Nellis Blvd., Ste. A
Las Vegas, Nevada 89121
Attorney for Plaintiff

EXHIBIT C

EXHIBIT C

Electronically Filed
2/15/2024 11:28 AM
Steven D. Grierson
CLERK OF THE COURT



CONFILE
SCOTT M. HOLPER, ESQ.
Nevada Bar No. 9587
LAW OFFICES OF SCOTT M. HOLPER
3175 S. Nellis Blvd., Suite A
Las Vegas, Nevada 89121
Tel: (702) 366-0911
Fax: (702) 333-1196
Scottholperlaw@gmail.com
Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HUNTER CHURCH, individually and on)
behalf of those similarly situated; ISLAS)
AGUILAR, individually and on behalf of)
those similarly situated; LUDWIG)
LAUDENCIA, individually and on behalf of)
those similarly situated; JEREMY GYRON,)
individually and on behalf of those similarly)
situated; JESSICA BELTRAN, individually)
and on behalf of those similarly situated,)
Plaintiffs,)

CASE NO.: A-24-887131-C

DEPT. NO.: 16

MOTION TO CERTIFY CLASS

vs.)

HARRIS & HARRIS, LTD., a Foreign)
Corporation; DOES I-V, inclusive; and ROE)
BUSINESS ENTITIES I-V, inclusive,)
Defendants.)

HEARING REQUESTED

COMES NOW the Plaintiffs, individually and on behalf of all those similarly situated, by
and through their attorney, SCOTT M. HOLPER., ESQ and respectfully submits the following

...

...

..

1 Motion to Certify Class.

2 DATED this 15th day of February 2024.

3 By: s/s Scott m. Holper, Esq.
4 SCOTT M. HOLPER, ESQ.
5 3175 S. Nellis Blvd., Suite A
6 Las Vegas, Nevada 89121
7 Attorney for Plaintiffs

8 **NOTICE OF MOTION**

9 **TO: HUNTER CHURCH, Plaintiff;**

10 **TO: ISLAS AGUILAR, Plaintiff;**

11 **TO: LUDWIG LAUDENCIA, Plaintiff;**

12 **TO: JEREMY GYRON, Plaintiff;**

13 **TO: JESSICA BELTRAN, Plaintiff;**

14 **TO: HARRIS & HARRIS, LTD., Defendant.**

15 **TO: HARRIS & HARRIS, LTD., Defendant.**

16 **TO: JEFFREY ENEBAK, ESQ., Attorney for Defendant**

17
18
19
20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will
21 bring the forgoing **MOTION TO CERTIFY CLASS** on for hearing before the above-entitled
22 Court on the ____ day of _____ 2024 at the hour of __:__.M. in
23 Department 16 or as soon thereafter counsel can be heard.

24 DATED this 15th day of February 2024.

25 By: s/s Scott m. Holper, Esq.
26 SCOTT M. HOLPER, ESQ.
27 3175 S. Nellis Blvd., Suite A
28 Las Vegas, Nevada 89121
Attorney for Plaintiffs

POINTS AND AUTHORITIES IN SUPPORT OF
MOTION TO CERTIFY CLASS

I.

CLASS ACTION REQUIREMENTS

NRCP 23 sets forth the necessary requirements in order to certify the class and qualify as a class action.

NRCP Rule 23. Class Actions

(a) **Prerequisites to a Class Action.** One or more members of a class may sue or be sued as representative parties on behalf of all only if:

- (1) the class is so numerous that joinder of all members is impracticable;
- (2) there are questions of law or fact common to the class;
- (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and
- (4) the representative parties will fairly and adequately protect the interests of the class.

(b) **Aggregation.** The representative parties may aggregate the value of the individual claims of all potential class members to establish district court jurisdiction over a class action.

(c) **Class Actions Maintainable.** An action may be maintained as a class action if the prerequisites of Rule 23(a) are satisfied, and in addition:

- (1) the prosecution of separate actions by or against individual members of the class would create a risk of:
 - (A) inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for the party opposing the class; or
 - (B) adjudications with respect to individual members of the class that would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests;
- (2) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or
- (3) the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters

(A) the interest of members of the class in individually controlling the prosecution or defense of separate actions;

(B) the extent and nature of any litigation concerning the controversy already commenced by or against members of the class;

(C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and

(D) the difficulties likely to be encountered in the management of a class action.

CLASS ACTION ALLEGATIONS

Plaintiffs meet every requirement contained within NRCP 23 in order to certify the class and allow this matter to proceed as a class action.

1. Class Definition: Plaintiffs bring this class action on behalf of themselves and the class defined as follows: All persons who received collection letters and/or robo calls advising the recipient that a warrant has been issued against them and suffered emotional distress from receiving the warrant collection letters and/or robo calls. Excluded from the Class are members of the immediate families of the Defendants, and their legal representatives, parents, affiliates, heirs, successors or assigns an any entity in which Defendants have or had a controlling interest, and any other person who engaged in the wrongful conduct alleged herein (the "Excluded Person's").

2. Numerosity: Upon information and belief, Plaintiffs allege that the total number of Class members is dispersed in as well as outside the United States. Consequently, joinder of the individual Class members would be impracticable. While the exact number of Class Members exceeds twelve thousand nine-hundred and forty-five (12,945), the exact number is unknown to Plaintiffs at this time, and can only be ascertained through appropriate discovery. Plaintiffs believe that there are approximately twelve thousand nine-hundred and forty-five (12,945) members in the proposed Class such that the disposition of the individual claims of the respective

1 Class Members through this Class action will benefit both the parties and this Court
2 and will facilitate judicial economy.

3 3. Ascertainability: The Class is ascertainable because, on information and
4 belief, each Class Member who received arrest warrant collection letters and arrest
5 warrant robo calls from Defendants, are kept and stored in a detailed electronic
6 database and records.

7 4. Typicality: Plaintiffs' claims are typical of the claims of the members of the
8 Class. The claims of Plaintiffs' and the members of the Class are based on the same
9 legal theories and arise from the same conduct. As such, the claims of Plaintiffs and
10 the Class rise and fall together and are typical of one another.

11 5. Common Questions of Fact and Law Predominate: Judicial determination of
12 the common legal and factual issues essential to this case would be far more efficient
13 and economical as a class action than in piecemeal individual determinations. There is
14 no plain, speedy or adequate remedy other than by maintenance of this lawsuit as a
15 class action due to the amount of individuals who received warrant letters and
16 warrant robo calls, making it economically infeasible for Class Members to pursue
17 remedies individually. The prosecution of separate actions by individual Members of
18 the Class, even if theoretically possible, would create a risk of inconsistent or varying
19 adjudications with respect to the individual Class Members against Defendants and
20 would establish incompatible standards of conduct for the Defendants. There are
21 numerous questions of law or fact common to all Class Members including, but not
22 limited to:

- 23 a. Whether Defendants engaged in a deceptive trade practice;
- 24 b. Whether Defendants acted negligently when they drafted and
25 disseminated arrest warrant collection letters;
- 26 c. Whether Defendants acted negligently, or with deliberate indifference,
27 when they drafted and disseminated arrest warrant collection letters;
- 28 d. Whether Defendants acted negligently when they disseminated arrest

1 warrant robo calls;

2 e. Whether Defendants acted negligently, or with deliberate indifference,
3 when they disseminated arrest warrant robo calls;

4 f. Whether Defendants acted in an intentional, willful or wanton manner
5 justifying an award of punitive damages.

6 These questions are susceptible to a common answer. These questions and
7 other like them predominate over individual issues. The same evidence needed to
8 prove Plaintiffs' individual claims will be used to prove the claims of all Class
9 Members.

10 6. Adequacy of Representation: Plaintiffs are adequate representatives of the
11 Class because their interests do not conflict with the interests of the Members of the
12 Class. Plaintiffs will fairly, adequately, and vigorously represent and protect the
13 interests of the Members of the Class and have no interests antagonistic to the
14 Members of the Class. Plaintiffs have retained counsel who is competent and
15 experienced in class action litigation. Plaintiffs' attorney has the resources, expertise
16 and experience to prosecute this action, and do not have knowledge of any conflicts
17 among the members of Plaintiffs' Class, or any conflicts between the Class and
18 Plaintiffs' attorney. Plaintiffs have no interest adverse to the interests of other
19 Members of the Class and will fairly and adequately protect the interests of the Class.
20 Plaintiffs' have retained counsel experienced and competent in the prosecution of class
21 actions and complex litigation.

22 7. Superiority: The Class action is superior to other available methods for the
23 fair and efficient adjudication of this controversy because: (a) the prosecution of a
24 multitude of separate actions would be inefficient and wasteful of judicial resources;
25 (b) the Members of the Class may be scattered throughout the United States and are
26 not likely to be able to vindicate and enforce their rights unless this action is
27 maintained as a class action; (c) the issues raised can be more fairly and efficiently
28 resolved in the context of a single action rather than piece-meal litigation in the context

1 of separate actions; (d) the resolution of litigation in a single forum will avoid the
2 danger and resultant confusion of possible inconsistent determinations; (e) the
3 prosecution of separate actions would create the risk of inconsistent or varying
4 adjudications with respect to individuals pursuing claims against Defendant, which
5 would establish incompatible standards of conducts for Defendants; (f) Defendants
6 have acted and will act on grounds applicable to all Class Members; (g) Individual
7 Class Members credit monitoring claims are large and the expense and burden of
8 individual litigation makes it impossible for Class Members individually to redress the
9 wrongs done to them; and (h) questions of law and/or fact common to Members of the
10 Class, especially on the issue of liability, predominate over any question, such as that
11 of individuals damages that will affect individual Class Members.

13 III.

14 CONCLUSION

15
16 Plaintiffs have met every requirement contained within NCRP 23. This Court
17 should certify the class and allow this matter to proceed as a class action lawsuit.

18
19 DATED this 16th day of February 2024.

20 By: s/s Scott m. Holper, Esq.
21 SCOTT M. HOLPER, ESQ.
22 3175 S. Nellis Blvd., Suite A
23 Las Vegas, Nevada 89121
24 Attorney for Plaintiffs
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of February 2024, I served a true and correct copy of the foregoing **MOTION TO PLACE ON CALENDAR FOR CLASS CERTIFICATION** upon all parties via electronic service through the Wiznet system as follows:

Jeffrey Rogan, Deputy District Attorney
Clark County District Attorney's Office (Civil Division)
E: Jeffrey.Rogan@clarkcountyda.com

Jeffrey Endebak, Esq.
General Counsel for Defendant Harris & Harris, Ltd.
E: jendebak@harriscollect.com

By: /s/ Margie McNamera
An employee of LAW OFFICES OF SCTT M. HOLPER

EXHIBIT D

EXHIBIT D

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2/16/2024 1:21 PM
Steven D. Grierson
CLERK OF THE COURT



**DISTRICT COURT
CLARK COUNTY, NEVADA**

Hunter Church, Plaintiff(s)

vs.

Harris & Harris Ltd, Defendant(s)

Case No.: A-24-887131-C

Department 16

NOTICE OF HEARING

Please be advised that the Plaintiffs' Motion to Certify Class in the above-entitled matter is set for hearing as follows:

Date: April 02, 2024

Time: 9:05 AM

Location: RJC Courtroom 16C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Chaunte Pleasant
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Chaunte Pleasant
Deputy Clerk of the Court